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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/072,575 | 02/08/2002 | Pang-Chia Lu | 2002B004 | 1933 |

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EXAMINER

KRUER, KEVIN R

ART UNIT PAPER NUMBER

1773

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,575

Applicant(s)

LU, PANG-CHIA

Examiner

Kevin R Kruer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant claims a copolymer with a molecular weight of 50,000-1,000,000. However, Applicant does not specify how the molecular weight should be determined. There are three different methods of measuring molecular weight: number average, weight average, etc. Depending upon the method utilized, the reported molecular weight could be drastically different. Thus, it is impossible for one of ordinary skill in the art to duplicate the claimed invention without knowing the method by which the molecular weight was determined.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 6-8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris et al (US 6,500,556) for reasons of record. Specifically, Morris teaches that the melt index of the terpolymer should be 10-60g/10min (col 3, lines 51+). Such melt indexes are associated with terpolymers with molecular weights within the claimed range (see col 4, lines 57+).

5. The rejection of claims 1, 8, 11, and 12 under 35 U.S.C. 102(b) as being anticipated by Hori et al (US 4,092,452) has been overcome. Hori does not teach copolymers with the claimed molecular weight. Specifically, Hori is limited to polymers with lower molecular weights (col 1, lines 48+).

Claim Rejections - 35 USC § 103

6. Claims 1-3, 5, and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (US 4,604,322) in view of Morris et al (US 6,500,556) for reasons of record.

7. Claims 1-3 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howden et al (US 4,357,383) in view of Morris et al (US 6,500,556) for reasons of record.

8. The rejection of claims 1-3, and 9-12 under 35 U.S.C. 103(a) as being unpatentable over Howden et al (US 4,357,383) in view of Birnkraut et al (US 4,032,692). Specifically, Birnkraut does not teach the newly claimed molecular weight limitation with respect to the terpolymer.

9. The rejection of claims 1-3 and 8-12 under 35 U.S.C. 103(a) as being unpatentable over Howden et al (US 4,357,383) in view of Hori et al (US 4,092,452) has been overcome by amendment. Specifically, Hori is limited to polymers with lower molecular weights (col 1, lines 48+).

10. The rejection of claims 1-3, 5, and 9-12 under 35 U.S.C. 103(a) as being unpatentable over Reid (US 4,604,322) in view of Birnkraut et al (US 4,032,692) has

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been overcome by amendment. Specifically, Birnkraut does not teach the newly claimed molecular weight limitation with respect to the terpolymer.

11. The rejection of claims 1-3, 5, and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid (US 4,604,322) in view of Hori et al (US 4,092,452) has been overcome by amendment. Specifically, Hori is limited to polymers with lower molecular weights (col 1, lines 48+).

12. The rejection of claims 1-4 and 8 under 35 U.S.C. 103(a) as being unpatentable over Park (US 4,367,112) in view of Hori et al (US 4092,452) have been overcome by amendment. Specifically, Hori is limited to polymers with lower molecular weights (col 1, lines 48+).

Response to Arguments

Applicant's arguments filed August 9, 2003 have been fully considered but they are not persuasive.

Applicant argues that the prior art fails to teach a terpolymer that is extrusion grade and met the newly claimed molecular weight limitations. The examiner respectfully disagrees. Morris teaches a terpolymer with a melt index of 10-60g/10minutes. Such melt indexes are indicative of terpolymers with molecular weights within the claimed range. Furthermore, the terpolymers of Morris may be extruded (see examples), which further supports the finding that the terpolymers read on the claimed invention. Thus, Applicant's arguments are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 703-305-0025. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 703-308-2367. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-305-3599 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

K-RK

Kevin R. Kruer

October 7, 2003

Paul Thibodeau

Paul Thibodeau
Supervisory Patent Examiner
Technology Center 1700